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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,024	03/24/2006	David Wigley	1111-31	4053

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412 MAIN STREET, 7TH FLOOR
HOUSTON, TX 77002

EXAMINER

GOODWIN, JEANNE M

ART UNIT	PAPER NUMBER
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2833

MAIL DATE	DELIVERY MODE
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03/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/543,024	Applicant(s) WIGLEY	
	Examiner Jeanne-Marguerite Goodwin	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/31/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the control unit as stated in claims 1 and 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim is an omnibus type claim. Accordingly, the claims 8-10 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2005/0041536 to Lang.

Regarding claim 1: Lang discloses a time display apparatus (Figs. 1-8) comprising a display unit (60, 66, 76, 82, 90, 96) and inherently a control unit/mechanical drive unit, the display unit (60, 66, 76, 82, 90, 96) being comprised of an indicator portion (see Figs. 2-8) of variable area, the control unit being operative to alter the area of the indicator portion (see Figs. 2-8) in accordance with the minutes (64, 70, 80, 84, 88, 92, 94) of the time to be displayed, the control unit/mechanical drive unit being operative to alter the visual appearance of the indicator portion (see Figs. 2-8) without altering the area of the indicator portion (see Figs. 2-8), exclusively in accordance with the hour [0032-0042] of the time to be displayed, wherein said display unit (60, 66, 76, 82, 90, 96) comprises a color display [0032-0042], and the control

unit/mechanical drive unit is being operative to alter the color of the indicator portion (see Figs. 2-8) exclusively in accordance with the hour [0032-0042] of the time to be displayed (see Figs. 2-8).

Regarding claim 2: Lang discloses a time display apparatus according to claim 1, wherein the indicator portion has the a shape of a generally rectangular bar (see Figs. 5-8), the control unit/mechanical drive unit being operative to alter the length of the bar in accordance with the first unit of time [0040-0042] to be displayed.

Regarding claim 3: Lang discloses a time display according to claim 1, wherein the indicator portion (see Figs. 2-5) has the a shape of a segment of an annulus (see Figs. 2-5) the control unit/mechanical drive unit being operative to alter the circumferential extent of the indicator portion in accordance with the a first unit of time [0032-0041] to be displayed (see Figs. 2-5).

Regarding claim 4: Lang discloses a time display apparatus according to claim 1, wherein the indicator portion (see Figs. 2-5) has a shape of a segment of a circle (see Figs. 2-5), the control unit/mechanical drive unit being operative to alter the an angle subtended by the segment in accordance with the first unit of time [0032-0041] to be displayed (see Figs. 2-5).

Regarding claim 5: Lang discloses a time display apparatus according to claim 1, wherein the control unit is operative to increase the area of the indicator portion as a value of the first unit of time [0032-0041] to be displayed increases (see Figs. 2-8).

Regarding claim 7: Lang discloses inherently a control unit/mechanical drive unit, the display unit (60, 66, 76, 82, 90, 96) being comprised of an indicator portion of variable area (see Figs. 2-8), the control unit/mechanical drive unit being operative to alter the an area of the

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indicator portion (see Figs. 2-8) in accordance with the minutes (64, 70, 80, 84, 88, 92, 94) of time to be displayed, the control unit/mechanical drive unit being operative to alter the visual appearance of the indicator portion (see Figs. 2-8), without altering the area of the indicator portion (see Figs. 2-8), exclusively in accordance the an hour [0032-0042] of the time to be displayed, that the wherein said display unit (60, 66, 76, 82, 90, 96) comprises a color display [0032-0042] and the control unit/mechanical drive unit is being operative to alter the color of the indicator portion exclusively in accordance with the hour of the time [0032-0042] to be displayed (see Figs. 2-8).

6. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Lang as applied to claim 1 above, and further in view of US /0083787 to Perez et al. [hereinafter Perez].

Regarding claim 6: Lang discloses a device as stated above with regards to claim

1. Lang discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 6, i.e., the particular type of display, e.g., liquid crystal display (LCD). Perez discloses a vertical timepiece comprising a LCD (abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the display element, as taught by Lang, with the LCD, as taught by Perez, since both are alternative types of display devices which will provide the same function, if one is replaced with other, displaying the time, respectively.


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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. US 6628521 to Emami, US 4920524 to Kotob, US 130987 to Schickedanz, US 4472066 to Murakami, US 5214624 to Siebrasse, US 5636185 to Brewer et al., US 5896348 to Lyon, US 6882597 to Kent and US 2003/0214885 to Powell et al. disclose timepiece comprising unique time displays.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

JMG
March 16, 2008


P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
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